

TELEBRANDS CORP.,  
Plaintiff,  
v.  
HOME BAY TRADING, CORP., and  
DENG GUONG WENG, and VARIOUS JOHN  
AND JANE DOES and XYZ COMPANIES  
(not yet known),  
Defendants.

By order to show cause dated March 15, 2011, this Court entered a temporary restraining order against the defendants Home Bay Trading Corp. (“Home Bay”) and Deng Guong Weng (“Weng”) (collectively “Defendants”) enjoining Defendants from committing any of the acts set forth below in Paragraphs (i)-(xi), among other things, and scheduling a hearing on Plaintiff’s Motion for a Preliminary Injunction for March 28, 2011.

Therefore,

ORDER that Defendants, and their owners, officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby preliminarily enjoined and restrained, pursuant to Rule 65, Fed. R. Civ. P.:

- i. from infringing United States Patent Nos. D596,802 and D596,353;
- ii. from importing, distributing, advertising, promoting, offering for sale and selling a counterfeit PED EGG product, including, but not limited to, the product shown in Exhibit A;
- iii. from importing, distributing, advertising, promoting, selling, or offering for sale any product under or in connection with the PED EGG Trademarks, namely, U.S. Trademark Registration No. 3,633,750 for the PED EGG foot file product configuration, U.S. Trademark Registration No. 3,450,241 for PED EGG, and U.S. Trademark Registration No. 3,522,124 for the trademark PED EGG and Design, copies of which are attached as Exhibits B-D hereto, or any colorable variation of the PED EGG Trademarks or any confusingly similar marks unless the product emanates from or is authorized by Telebrands;
- iv. from importing, distributing, advertising, promoting, selling, or offering for sale any product under or in connection with the TELEBRANDS Trademark, namely, U.S. Trademark Registration No. 1,811,677 for TELEBRANDS, a copy which is attached as Exhibit E hereto, or any colorable variation of the TELEBRANDS Trademark or any confusingly similar mark unless the product emanates from or is authorized by Telebrands;
- v. from importing, distributing, advertising, promoting, selling, or offering for sale products that incorporate, copy or colorably imitate the trade dress of Telebrands' PED EGG Product Trade Dress, and/or the PED EGG Packaging Trade Dress;
- vi. from importing, distributing, advertising, promoting, selling, or offering for sale any product in packaging shown in Exhibit F hereto, or any copy or colorable

imitation thereof or any confusingly similar trade dress;

- vii. from importing, distributing, advertising, promoting, selling, or offering for sale product in packaging copied from or substantially similar or identical to the packaging for Telebrands' PED EGG product, which is the subject of U.S. Copyright Registration Nos. VA 1-629-218, a copy which is attached as Exhibit G hereto;
- viii. from importing, distributing, advertising, promoting, selling, or offering for sale product in packaging that includes instructions copied from or substantially similar or identical to the instructions for Telebrands' PED EGG product, which is the subject of U.S. Copyright Registration No. Txu-1-578-397, a copy of which is attached as Exhibit H hereto;
- ix. from using the "As Seen On TV" logo or any confusingly similar logo, on the packaging for their product unless and until they advertise their product on television in the markets in which their products are being sold;
- x. from otherwise knowingly unfairly competing with Telebrands in any manner;
- xi. from falsely representing or suggesting that the product Defendants sell or offer for sale is genuine, or is authorized by or emanates from Telebrands, or from otherwise falsely advertising, representing or suggesting any connection with Telebrands unless Defendants' product is a genuine PED EGG product and emanates from or is authorized by Telebrands; and
- xii. from transferring or disposing of any monetary assets for the purpose of hiding such assets, wherein such transfer or disposal is outside the course of Defendants' normal business activities.

IT IS FURTHER ORDERED, that any Counterfeit Products, namely, 770 units of Counterfeit Products seized pursuant to the March 15, 2011 Order of this Court, shall be surrendered to Plaintiff to be destroyed; and

IT IS FURTHER ORDERED, that during the pendency of this action any books and records relating to the Counterfeit products seized pursuant to the March 15, 2011 Order of this Court, shall remain impounded and under Plaintiff's custody and/or control; and

IT IS FURTHER ORDERED, that the Clerk shall unseal all the papers filed in this action prior to the date of this Order.

ENTERED this 11<sup>th</sup> day of April, 2011 at New York, New York.

S/SLT  
Honorable Sandra Lynn Townes, U.S.D.J.

Consented To:

Dated: April 4, 2011

PLAINTIFF,

TELEBRANDS CORP.

By: Tonia A. Sayour

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Attorneys for Plaintiff

Dated: ~~March~~ <sup>April</sup> 4, 2011

DEFENDANTS,

HOME BAY TRADING CORP.  
DENG GUONG WENG

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